



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,058	02/04/2004	Kayhan Kucukcakar	SYN-0513	5479
35273 7590 09/29/2009 BEVER, HOFFMAN & HARMS, LLP 901 CAMPISI WAY SUITE 370 CAMPBELL, CA 95008			EXAMINER PATEL, SHAMBHAVI K	
			ART UNIT 2128	PAPER NUMBER
			NOTIFICATION DATE 09/29/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mserna@beverlaw.com  
creddick@beverlaw.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/773,058

**Applicant(s)**

KUCUKCAKAR ET AL.

**Examiner**

SHAMBHAVI PATEL

**Art Unit**

2128

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-9,12-19,25,27-30,32-43,45,47-53,55-62,64-70,72-78 and 83-96.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Kamini S Shah/  
Supervisory Patent Examiner, Art Unit 2128

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's argument regarding the 35 U.S.C. 112 2nd rejection of the term "level of analysis" is persuasive, and the rejection is withdrawn. However, Applicant's arguments regarding the 35 U.S.C. 112 2nd rejection of the term "metadata" is not persuasive. While the term may be well-known, its meaning within the context of the claim is unclear. For example, the claim recites that identifying the third portion may include identifying a set of modes/corners, and the specification provides support for this. However, it is unclear what metadata regarding the set of modes/corners would be, and the specification does not provide clarification regarding the meaning. Applicants submit, on pages 4-5 of the arguments, that figures 7A-7D disclose the analysis of all the nodes of figure 6, so the former figures do not describe what portions of the design have not been analyzed. Examiner notes that figure 6 is not the entire design, but is rather an area of interest because it is a component with a high risk of failure. Thus, all of the nodes of figure 6 are of an area of interest, and accordingly, are displayed in figure 7. The remaining nodes of the design (not shown in figure 6) are not shown in figure 7 because they are not an area of interest and thus have not been analyzed. Applicant submits that "Paragraph 0033 teaches that multipass analysis comprises comparing the results of the various corner cases to generate the change in values form [sic] one corner case to another", but then states "These paragraphs do not teach anything about modes/corners". Examiner notes that paragraph states defining all of the corner cases that have to be analyzed, analyzing all the corner cases, and once ALL corner cases have been analyzed, performing further analysis and saving the results. It is unclear why Applicant submits that these paragraphs do not disclose anything about modes/corners when they explicitly disclose analyzing corner cases. Applicant submits, on pages 5-6 of the remarks, that the prior art does not disclose the claimed "third portion..." because it does not disclose identifying portions of the design that have been less than exhaustively analyzed. Examiner notes that this is not required by the claim limitations. The claim recites identifying ANY second portions of the design that have been exhaustively analyzed for all modes/corners, and ANY third portion that is not the first or second portion. Therefore, the "second portion" can just be one of several areas of interest, and the "third portion" can be a different area of interest or any non-area of interest. The prior art discloses identifying all three (see paragraphs [0032] and [0040]). Applicant submits, on pages 7-8, that claimed limitation of merging desired information before other information is not taught by the prior art's disclosure of saving the multipass analysis step results. Examiner notes that the multipass analysis is performed for pre-selected areas of interest. Thus, the results of multipass analysis for these areas are equivalent to the desired information in the claim. Applicant submits, on page 9, that choosing which results to display first, second, or third is not equivalent to merging selected information first. Applicant has not shown how merging results is different for the disclosure of the prior art. In order to display the results all at once, the information is clearly merged into one dataset (see figures 7A-7D). Applicant submits that the desired information is not user-accessible before other information. However, figure 2 clearly shows that the area of interest definition is displayed. The displaying of the information is making it user-accessible. Applicant submits that Schultz performs multipass analysis on all corners and nodes, so the prior art cannot disclose parts of the design that are not analyzed for each node and corner. Examiner notes however, that paragraph [0032] discloses defining which corner cases will be analyzed during multipass analysis, and that the nodes not listed in the results have not been analyzed